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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,001	04/26/2001	Toshimichi Kishimoto	520.40043X00	7058

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EXAMINER

SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,001

Applicant(s)

KISHIMOTO ET AL.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claims 1-6 are cancelled.

Claims 7-20 are new.

Claims 7-20 are pending.

Drawings

1. The proposed drawing corrections filed 12/27/2004 have been accepted by the Examiner. The corrections to the drawings will not be held in abeyance.

Specification

2. The proposed specification corrections filed 12/27/2004 have been accepted by the Examiner. The corrections to the specification will not be held in abeyance.

Abstract

3. The proposed abstract corrections filed 12/27/2004 have been accepted by the Examiner. The objection is withdrawn. The corrections to the abstract will not be held in abeyance.

Response to Arguments

4. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 7-20 are rejected under 35 U.S.C. 102(e) as being anticipated by *Peping* (USPN 6,185,655).

a. **Per claim 7, *Peping* teaches a storage operating system comprising:**

- an external storage device having storage data and storage operating data and a service processor for operating said storage operating data (Abstract, col.3 lines 57-67, col.4 lines 3-col.5 line 59, col.9 line 4-col.10 line 19, col.11 lines 3-22 and col.11 line 49-61; provision for external storage, distributed management units, intelligent agents, a centralized management unit for operating and processing the storage operating data; centralized management units also comprise processing for configuring the storage);
- a host computer coupled with said external storage device via a first connection so as to read/write said storage data from/to said external storage device (Figure 8, col.9 lines 41-59, col.10 lines 32-67 and col.11 lines 3-22); and
- a storage management server coupled with said host computer via a second connection and said service processor via a third connection (Abstract, Figure 4, col.2 line 53-col.3 line 21, col.5 lines 35-59 and col.10 lines 47-67; server connected to workstations, distributed management units, and network),
- wherein said storage management server executes a storage operating data server program (col.4 lines 23-66 and col.5 line 7-col.6 line 65; provision of storage operating server program with implementation of the intelligent agent programs), and

- wherein said host computer executes an application program associated with said storage operating data server program so as to read/write said storage operating data (col.3 lines 57-67, col.4 lines 48-66, col.6 line 1-col.7 line 11, col.9 line 4-col.10 line 31 and col.11 line 49-61; provision for read/write abilities with use of intelligent agent programs, distributed management units, and server; centralized management units also comprise processing for configuring the storage).

b. **Claim 14** contains limitations that are substantially equivalent to claim 1 and is therefore rejected under the same basis.

c. **Per claim 8**, *Peping* teaches the storage operating control system according to claim 7, wherein said host computer operates in accordance with said storage operating data which the storage management server reads from said external storage device (col.2 line 50-col.3 line 18, col.3 line 57-col.4 line 55 and col.6 lines 45-65; workstations in communication with the server, wherein the server reads from the external storage).

d. **Claim 15** is substantially equivalent to claim 8 and is therefore rejected under the same basis.

e. **Per claim 9**, *Peping* teaches the storage operating control system as defined in the claim 7, comprising a switch for shutting off said third connection between said service processor and said storage management server (col.7 lines 37-49; provision for switches interfaced with the distributed management units and centralized management unit).

f. **Claims 10, 16 and 17** are substantially equivalent to claim 9 and are therefore rejected under the same basis.

g. **Per claim 11**, *Peping* teaches the storage operating control system as defined in the claim 7, wherein said storage management server comprising a WWW (World Wide Web) terminal connection and a WWW server program to allow access of the storage operating data using the WWW terminal connection (Figure 8 and col.10 lines 47-67; provision for server interface with Internet).

h. **Claim 18** is substantially equivalent to claim 11 and is therefore rejected under the same basis.

i. **Per claim 12**, *Peping* teaches the storage operating control system as defined in the claim 7, wherein communication between said host computer and said storage management server on said second connection is at least partially conducted using JAVA Remote Method Invocation (RMI) on a transmission control protocol/Internet protocol (TCP/IP) (col.6 lines 13-40 and col.10 lines 47-67; implementation of Virtual JAVA Machine wherein JAVA applications can run in all the units and TCP/IP).

j. **Claims 13, 19 and 20** are substantially similar to claim 12 and are therefore rejected under the same basis.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims **12 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Peping* (USPN 6,185,655) in view of *Nusbickel* (USPN 6,868,543).

a. **Per claims 12 and 13**, *Peping* teaches the storage operating control system as defined in claim 14, yet fails to explicitly teach the limitation using JAVA RMI. However, *Nusbickel* discloses use of JAVA RMI for the client server connection along with TCP/IP communications protocol (col.5 line 57-col.8 line 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Peping* and *Nusbickel* for the purpose of extending protocol compatibility with JAVA objects; because it would permit remote communication with other JAVA objects in the network.

b. **Claims 19 and 20** are substantially similar to claim 12 and 13 and are therefore rejected under the same basis.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. *Row et al* (USPN 5,931,918) disclose a parallel I/O network file server architecture.
- b. *Berson* (USPN 6,532,459) discloses a system for finding, identifying, tracking, and correcting person information in diverse databases.
- c. *Kim et al* (USPN 6,842,769) disclose an automatically configured network server.
- d. *Garrison* (USPN 6,275,939) discloses a system and method for securely accessing a database from a remote location.
- e. *Regelski et al* (USPN 6,738,772) discloses access control system having automatic download and distribution of security information.

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER